

REMARKS

The Examiner has objected to the specification as not providing support for the limitation “web.” That language has been removed from the claims.

Claim 10 has been rejected under 35 U.S.C. 102(b) as being anticipated by Rivera et al. ‘288. Claims 1, 2 and 14-16 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Rivera et al. ‘288 in view of Tomasetti et al. ‘686. Claims 4 and 6-9 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Rivera et al. ‘288 in view of Tomasetti et al. ‘686, further in view of Ericson et al. ‘529. Applicants seek reconsideration and withdrawal of the rejections in accordance with the following.

With reference to the rejection of claim 1, Rivera’s asserted inverted U-shaped construction does not substantially surround the entireties of the sides and roof of the three-dimensional body. The Examiner contends that, while it surrounds the rearmost part of the three-dimensional body, it surrounds “the entirety of the sides and roof of the rearmost part.” Claim 1 has been amended to recite that the present support body has side frames coextensive with entire widths of opposed sides of the lift cage and a top frame which extends above and across substantially the **entire** roof member. While applicants disagree that “an entirety” can be interpreted to encompass an entirety of a portion of an element without being so recited, the present amendment is intended to make it clear that the entire expanse of the roof and opposed sides of the cage are embraced by the support body. Such is clearly neither taught nor suggested by Rivera et al., which the Examiner acknowledges surrounds only a small rearmost part of the three-dimensional body.

The Examiner also questions applicants’ argument that Rivera’s single top member of intermediary frame 16 does not extend in a horizontal plane above and across substantially the entire roof member, again asserting that it extends above substantially “an entirety” of the member and spans the entire distance across substantially “the entirety” of the roof member. Claim 1 has also been amended to recite that the top frame extends across substantially the entire extent of the roof member, clarifying the nature of its extent and clearly distinguishing it from the top frame member of Rivera ‘288 which spans only an “entire distance” across substantially a small rearwardly located “entirety” of the three-dimensional body’s roof member. While Rivera does not discuss the functioning of its intermediary frame 16, the figures of Rivera make it eminently clear that the car 12 is cantilevered outwardly from the intermediary frame. There is neither teaching nor suggestion that its intermediary frame be extended outwardly from the rails upon which it rides to embrace the entirety of the opposed

sides and roof of the cab.

Applicants further repeat their contention that Tomasetti '686 does not teach a three-dimensional body suspended in the support body. The dictionary definition for "suspended" is "to hang as to be free on all sides except at the point of support." See, e.g., www.merriam-webster.com/dictionary/suspended. Tomasetti et al. '686 does not have a suspended cab. "The car structure according to the present invention includes frame elements (also referred to herein as frame stiffeners or closed rectangular frame stiffeners) to accommodate wall, floor and ceiling elements..." Column 1, lines 44-49. "Wall elements can be fastened directly to and/or between the frame elements without auxiliary parts...." Column 2, lines 15-16. "A floor covering can be laid directly on the perforated plate." Column 2, lines 22-23. "As a result of the matter of construction of the upper parts of the frame, and of the cross pieces, the ceiling plate which closes off the car body at the top can be fastened directly to them." Column 2, lines 24-27. "The frame elements have a large number of mounting holes, which make it possible to join the elements to other components, and to attach further instruments and functional subassemblies, such as door drive, door panel, door guide, door sill,..." Column 2, lines 29-36. Use of the language "the three-dimensional body being suspended from the top frame" in claim 1 distinguishes the invention from the Tomasetti reference. Tomasetti's "support body," which the Examiner identifies as the car frame itself, does not have any elements "suspended from a top frame."

The Examiner further contends that Tomasetti teaches a U-shaped frame comprising stiffeners and cross-pieces 3-6 having an open body, with the presence of supporting structure 2 being similar to applicants' floor member 6, which the Examiner asserts does not close the U-shaped frame. But Tomasetti requires its "multi-part supporting structure 2" to join the elements 13 and 17. "Two closed rectangular frame stiffeners 3, 4 in the form of side frames are fastened laterally to the supporting structure 2." Column 2, lines 61-64. Tomasetti's "U-shaped frame" is indeed closed off at its bottom; it does not have an open bottom. Further, with respect to claim 2, supporting structure 2 is not a floor member; it clearly extends beyond floor plate 30 and perforated floor element 31, floor member of the Tomasetti construction. The same argument applies to the rejection of claim 16.

With respect to claim 14, neither of the references teach or suggest the attaching of a three-dimensional cage to a top frame whereby the three-dimensional cage is suspended from the top frame. See the definition of "suspended" set forth above. Neither of the references provides a suspended construction. Further, as set forth above, Rivera does not have a top frame fully overlying the entire roof of the cage.

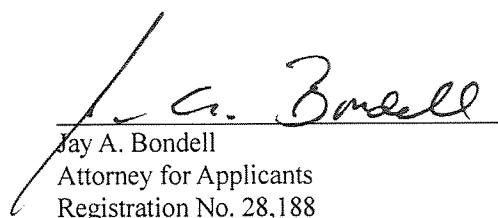
With respect to claim 15, once again, Rivera does not have its intermediary frame substantially surrounding the entire sides and roof of its three-dimensional body. Claim 15 has been clarified by use of the term “entire sides and roof” rather than “entireties of the sides and roof” and make it eminently clear that the full extent of the sides and roof, and not just a [entire] portion thereof is surrounded by the U-shaped construction. Additionally, Tomasetti does not disclose a lift cage having a separate, three-dimensional body **suspended** from a top frame. As discussed above, Tomasetti provides a unitary construction in which the three dimensional body sides (as well as its roof) are rigidly attached to the frame construction; it does not disclose a suspended configuration. Further, there is no U-shape construction with an open bottom disclosed, since the frame elements 3, 6 are clearly connected together by means of the multi-part supporting structure 2.

With respect to claim 10, the claim has been amended to recite that the building’s floor plate has a unitarily flat underside that extends solely at a same level as the underside of the region of the lowest building floor that includes a lift shaft. The lift shaft has a base having an underside lying at the same level as the flat underside of the floor plate. Thus, the floor plate underside and the lift shaft base underside together form an extending planar surface at a single level. The construction in Rivera depicts a building floor plate having an underside of which at least a portion thereof is not at the same level as the underside of the region of the floor including the lift shaft. As seen in FIG. 4 of Rivera, there is a step or offset between the underside of the lift shaft base and an underside of the building floor plate. Rather, the floor plate includes the downward extending portion which mates with the lift shaft base. Thus, it does not have a flat underside extending solely at the same level as an underside of a region of the lowest building floor including a lift shaft. A portion of its flat underside is above the level of the lift shaft underside.

In view of the foregoing, it is respectfully requested that all rejections be withdrawn, and the present application proceed to allowance.

Respectfully submitted,

Customer No. 022831
SCHWEITZER CORNMAN
GROSS & BONDELL LLP
292 Madison Avenue, 19th Floor
New York, New York 10017
Tel.: (646) 424-0770
Fax: (646) 424-0880



Jay A. Bondell
Attorney for Applicants
Registration No. 28,188